

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL
PROCEEDINGS CONCERNING JUDGE MARC A. GARCIA

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Marc A. Garcia of the Merced County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern \$250,000 in payments that Judge Garcia received from 2008 to 2012, after taking the bench, from his former partner in the entity Merced Defense Associates (MDA), which has held the Merced County alternate indigent defense contract since 2003. It is alleged that the payments were made from funds received under the MDA contract, pursuant to an agreement between then-attorney Garcia and his then partner. It is further alleged that Judge Garcia failed to report the payments on his Statements of Economic Interests, failed to disqualify or disclose when his former partner or MDA attorneys appeared before him between 2009 and 2012, and concealed the fact that he had entered into an agreement and was receiving payments from funds paid by the county to MDA after he was no longer performing services under the MDA contract. The actions are alleged to have violated several canons of the Code of Judicial Ethics.

In accordance with the rules that govern commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Attorney Gary W. Schons of San Diego will serve as Examiner for the commission. Judge Garcia is represented by Attorney Edith R. Matthai of Los Angeles.

Following completion of the hearing, the Special Masters will provide the commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the commission through briefing and argument. If the commission determines that the charges are proved by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the commission determines are not proved will be dismissed. A determination by the commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the commission office. A copy of the Notice of Formal Proceedings is also posted on the commission's website at http://cjp.ca.gov/pending_cases.htm. Judge Garcia's Answer to the Notice is due March 25, 2015. Upon filing, the judge's answer will be made available for public inspection.

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The commission is composed of three judges, two lawyers and six public members. The chairperson is Honorable Erica R. Yew of the Santa Clara County Superior Court.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.